

Assembly Bill No. 1324

Passed the Assembly August 31, 2009

Chief Clerk of the Assembly

Passed the Senate August 27, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 10618.6 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1324, Bass. Foster youth: identity theft.

Under existing law, a county welfare department is required to request a consumer disclosure, pursuant to federal law, on behalf of a youth in a foster care placement in the county, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft. If the consumer disclosure reveals any negative items, or evidence that identity theft has occurred, existing law requires the county welfare department to refer the youth to an approved organization that provides services to victims of identity theft. Existing law requires the department to develop a list of approved organizations for this purpose, in consultation with the County Welfare Directors Association and others.

This bill would revise the above provisions, to require the county welfare department or the State Department of Social Services to ascertain whether identity theft may have occurred under the described circumstances. The bill would require the matter to be referred to a governmental agency or nonprofit organization that provides information and assistance to victims of identity theft, rather than to an approved counseling organization. The bill would authorize the agency or the nonprofit organization to take remedial actions to clear the youth's credit record and to report the results to the referring agency. The bill would require the Office of Privacy Protection, in consultation with the State Department of Social Services and other specified entities, to develop a list of governmental agencies and nonprofit organizations.

The people of the State of California do enact as follows:

SECTION 1. Section 10618.6 of the Welfare and Institutions Code is amended to read:

10618.6. In the year that a youth in a foster care placement reaches his or her 16th birthday, the county welfare department or the State Department of Social Services shall request a consumer disclosure, from the three national credit reporting agencies, pursuant to the free annual disclosure provision of the federal Fair Credit Reporting Act, on the youth's behalf, notwithstanding any other provision of law, to ascertain whether or not identity theft may have occurred. Notwithstanding Section 827, Section 10850, or any other provision of law, both the county and the department are authorized under this section to make the request on a foster youth's behalf. If a consumer disclosure for the youth exists, and if the consumer disclosure reveals any negative items, or any evidence that some form of identity theft may have occurred, the state or county, acting on behalf of the foster youth, shall refer the matter to a governmental agency or nonprofit organization that provides information and assistance to victims of identity theft. The agency or nonprofit organization is authorized under this section to take remedial action on behalf of the foster youth to clear his or her credit record and to report the results of the action to the referring county or state department. The Office of Privacy Protection, in consultation with the State Department of Social Services, the County Welfare Directors Association, consumer credit reporting agencies, and other relevant stakeholders, shall develop a list of agencies and organizations to which the matter may be referred for assistance in responding to an instance of suspected identity theft. Nothing in this section shall be construed to require the county welfare department or the State Department of Social Services or State Department of Social Services to make more than one request for a consumer disclosure on behalf of a youth in care, or to take steps beyond referring the matter to an agency or organization.

Approved _____, 2009

Governor